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FEE TRANSMITTAL For FY 2007

Effective 12/08/2004. Fee pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

Complete if known

Application Number	10/626,813
Filing Date	07/23/2003
First Named Inventor	Eric E. Miller
Examiner Name	Minh Dieu T. Nguyen
Art Unit	2137
Attorney Docket No.	2443(16486)

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 510.00)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account: Deposit Acct. Number: 21-0765 Deposit Acct. Name: Sprint Communications Company L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent
Multiple dependent claims

	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	25	50
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	105	210
Multiple dependent claims	185	370

Total Claims - 20 or HP = Extra Claims x Fee (\$) = Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Multiple Dependent Claims

Fee(\$)
Fee Paid (\$)

Indep. Claims - 3 or HP = Extra Claims x Fee (\$) = Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets / 50 = Number of each additional 50 or fraction thereof (round up to a whole number) x Fee (\$) = Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: 1402 - \$510.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Mark L. Mollon	Registration No. (Attorney/Agent)	31,123	Telephone (734) 542-0900
Signature	<i>Mark L. Mollon</i>			Date November 1, 2007

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I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

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by Renee D. East

Date of signature and deposit - November 1, 2007

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric E. Miller) Group Art Unit: 2137
)
Serial No.: 10/626,813) Confirmation No.: 2540
)
Filed: 7/23/2003) Examiner: Minh Dieu T. Nguyen
)
For: Digital Rights Management Negotiation) Atty. Docket: 2443(16486)
For Streaming Media Over A Network)

APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the final rejection of the Examiner dated June 7, 2007, rejecting claims 1-7 and 13-16.

REAL PARTY IN INTEREST

The real party in interest in the present appeal is Sprint Communications Company L.P., assignee of the entire right, title, and interest in the present application.

11/06/2007 TLWU11 00000016 210765 10626013
01 FC:1402 510.00 DA

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

The status of the claims is as follows:

Claims allowed: none.

Claims objected to: none.

Claims rejected: 1-7 and 13-16.

Claims withdrawn: 8-12 and 17-21.

Claims canceled: none.

The claims being appealed are: 1-7 and 13-16.

STATUS OF AMENDMENTS

All amendments submitted by Appellant have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates in general to distribution of protected (e.g., licensed) digital content over computer networks such as the Internet, and, more specifically, to making content items available via multiple digital rights management (DRM) systems and methods and to selection of a compatible DRM method for distributing content items from a target server to a client (page 1, lines 16-20).

As defined by claim 1, the invention comprises a method for initiating delivery of a digital rights management (DRM) encoded content item (e.g., items 12 and 13 in Figure 1) over a digital network (e.g., Internet 15 in Figure 1) between a client 16 and a target server 10. The client 16 identifies a link to target server 10 for accessing DRM encoded content item 12 (page 4, lines 11-12). The target server 10 is capable of providing DRM encoded content item 12 in a plurality of respective DRM methods (page 4, lines 16-18). The client 16 initiates a network session with target server 10 (step 21 in Figure 2; and page 5, lines 10-16). The client 16 sends an offer message to target server 10 containing a list of at least one supported DRM method (step 22 in Figure 2; and page 5, lines 16-21). The target server 10 sends an answer message to client 16 containing a corresponding answer list 1) indicating whether each DRM method listed in said offer message is supported by said target server, and 2) providing a respective network address of a DRM license server for each supported DRM method (step 23 in Figure 2; page 5, lines 21-24; and page 6, lines 1-18). The client 16 selects a supported DRM method from the answer list (step 24 in Figure 2; and page 5, lines 25-26). The client 16 obtains a DRM license using the respective network address listed for the selected DRM method (step 25 in Figure 2; and page 5, lines 26-28). The target server 10 delivers the DRM encoded content item 12 to client 16 using the selected DRM method (step 26 in Figure 2; and page 5, line 28 to page 6, line 2).

As defined in claim 13, the invention comprises software for distribution of digital rights management (DRM) encoded content items (e.g., items 12 and 13 in Figure 1) over a digital network (e.g., Internet 15 in Figure 1) between a client 16 and a target server 10, wherein target server 10 is capable of providing DRM encoded content item 12 in a plurality of respective DRM methods (page 4, lines 16-18). The software is embodied on a computer readable medium and, when executed by client 16, is operable to select a link to target server 10 for accessing a desired DRM encoded content item 12 (page 4, lines 11-12). The software initiates a network session with target server 10 (step

21 in Figure 2; and page 5, lines 10-16). The software sends an offer message to target server 10 containing a list of at least one supported DRM method (step 22 in Figure 2; and page 5, lines 16-21). The software receives an answer message from target server 10 containing a corresponding answer list 1) indicating whether each DRM method listed in said offer message is supported by said target server, and 2) providing a respective network address of a DRM license server for each supported DRM method (step 23 in Figure 2; page 5, lines 21-24; and page 6, lines 1-18). The software selects a supported DRM method from the answer list (step 24 in Figure 2; and page 5, lines 25-26). The software obtains a DRM license using the respective network address listed for the selected DRM method (step 25 in Figure 2; and page 5, lines 26-28). Then the software retrieves DRM encoded content item 12 from target server 10 using the selected DRM method (step 26 in Figure 2; and page 5, line 28 to page 6, line 2).

None of the claims contain either a means plus function or a step plus function element.

GROUND OF REJECTION TO BE REVIEWED

1. Whether claims 1 and 13 are unpatentable under 35 U.S.C. §103(a) as being unpatentable over Lockhart et al in view of Haukka et al.

ARGUMENT

Rejection of Claims 1 and 13 under 35 USC 103(a)

Claim 1

Claim 1 recites, inter alia, that the target server is capable of providing the DRM encoded content item in a plurality of respective DRM methods and that after the client sends an offer message to the target server containing a list of at least one

supported DRM method then the target server sends an answer message to the client containing a corresponding answer list 1) indicating whether each DRM method listed in the offer message is supported by the target server, and 2) providing a respective network address of a DRM license server for each supported DRM method.

Lockhart relates to the delivery of permits for enabling protected content to be viewed. Using what it calls a “DRM agnostic clearing house”, Lockhart provides permits across multiple DRM architectures (col. 3, lines 37-49 and col. 4, lines 5-13). It states that permits are digital devices that allow consumers to access protected content. Since the permit is separate from the actual encoded content that the consumer desires to view and since Lockhart’s permit process is “agnostic” to the type of DRM, there is no automated selection or negotiation of the DRM method between a client and a target server in Lockhart.

The rejection acknowledges that Lockhart fails to disclose an offer message to a target server containing a list of at least one supported DRM method. It relies on Haukka to allegedly teach such an offer message. However, Haukka is unrelated to transfer of content files protected by DRM. It is merely a security mechanism for authenticating users (i.e., determining whether to allow access to a system by a particular user) by setting up a security association between two entities. Therefore, combining the teaching of Haukka with Lockhart does not result in the creation of an offer message listing DRM methods supported by the client. Furthermore, there would be no motivation to list supported DRM methods in Lockhart based on the teaching of Haukka because Lockhart is agnostic with respect to an actual DRM architecture and therefore Lockhart would not use such information if it had it.

The examiner commented that “Haukka is relied on for the teaching of creating an offer message listing DRM methods supported by the client (i.e., client sends a client list of support DRM methods (e.g., supported security mechanisms) to the server, see Haukka: 0028).” The examiner’s argument assumes, erroneously and without support,

that a “security mechanism” used for authentication is suggestive of a DRM method for decrypting content. The security methods of Haukka specify a type of interaction between a client and server that is used to authenticate the client. Thereafter, the authenticated client is given an authenticated status. Authentication does not result in the enabling of the authenticated user for the decoding of encoded content.

In the Advisory Action, the examiner stated that “it is proper to consider a security mechanism, which can be used for authentication or encryption purpose, to be equivalent with a DRM method.” Haukka does not disclose either encryption or decryption. Neither these terms nor any similar concept are found in Haukka. It is improper to associate encoded content as used in this invention with the term “security mechanism” as it is used in Haukka. Since the rejection fails to provide any reasoning for why the security mechanism of Haukka should be considered to be equivalent with a DRM method, the cited references fail to suggest the claimed limitations.

Lockhart and Haukka are further deficient in that they fail to either teach or suggest an answer message from the target server to the client which provides a respective network address of a DRM license server for each supported DRM method. There are no content files in Haukka, and therefore there is no license server. In Lockhart, the permit server is the license server. Since the client is already connected with the DRM agnostic clearinghouse, there would be no reason for a redundant re-transmission of the network address of a license server. There is only one license server in Lockhart, and no respective DRM license servers for different supported DRM methods. Furthermore, there is no reason why any other common knowledge of one skilled in the art (with or without the teachings of Lockhart and Haukka) would lead to the claimed invention.

Haukka further fails to teach that the server informs the client of the types of “security mechanism” that are supported. The Haukka server merely picks a method and then uses it. In contrast, claim 1 recites that the server provides an answer message that

indicates whether each DRM method listed in the offer message is supported by the server. Then the client selects which one to use. Since the user of the content can make its own tradeoffs in determining which of the available DRM methods to use, the invention provides an additional benefit of user flexibility. Thus, the combination of Lockhart and Haukka fails to teach or suggest the claimed invention.

The final rejection relies on Lockhart for disclosure of an answer message, stating that “Lockhart discloses web retailer provides consumer with a link specifies an Internet from which consumer may download and install permit.” However, the claimed answer message includes an indication of whether each DRM method listed in the offer message is supported by the target server. The final rejection has not offered any reasoning for this recited limitation being taught or suggested by the cited references.

Accordingly, the rejection of claim 1 should be reversed.

Claim 13

With respect to the claim limitations discussed above, claim 13 recites substantially identical limitations. For example, claim 13 recites, inter alia, that the target server is capable of providing the DRM encoded content item in a plurality of respective DRM methods and that after the software executed by the client sends an offer message to the target server containing a list of at least one supported DRM method then the client software receives an answer message containing a corresponding answer list 1) indicating whether each DRM method listed in the offer message is supported by the target server, and 2) providing a respective network address of a DRM license server for each supported DRM method. Therefore, claim 13 is allowable for the same reasons as discussed above with respect to claim 1, and the rejection of claim 13 should be reversed.

CONCLUSION

The final rejection has failed to establish a case of prima facie obviousness of any of claims 1-7 and 13-16. The prior art relied upon in the final rejection neither teaches nor suggests the structure or function of the present invention nor does it provide any teaching which can obtain the significant advantages which are achieved by the present invention. Accordingly, the rejections contained in the final rejection dated June 7, 2007, should be reversed.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark L. Mollon". The signature is fluid and cursive, with the first name "Mark" and last name "Mollon" clearly legible.

Mark L. Mollon

Registration No. 31,123

Attorney for Appellant

Date: November 1, 2007
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
Tel: 734-542-0228
Fax: 734-542-9569

CLAIMS APPENDIX

Claims 1-7 and 13-16 now read as follows:

1. A method for initiating delivery of a digital rights management (DRM) encoded content item over a digital network between a client and a target server, said method comprising the steps of:

said client identifying a link to said target server for accessing said DRM encoded content item, said target server being capable of providing said DRM encoded content item in a plurality of respective DRM methods;

said client initiating a network session with said target server;

said client sending an offer message to said target server containing a list of at least one supported DRM method;

said target server sending an answer message to said client containing a corresponding answer list 1) indicating whether each DRM method listed in said offer message is supported by said target server, and 2) providing a respective network address of a DRM license server for each supported DRM method;

said client selecting a supported DRM method from said answer list;

said client obtaining a DRM license using said respective network address listed for said selected DRM method; and

said target server delivering said DRM encoded content item to said client using said selected DRM method.

2. The method of claim 1 wherein each said network address comprises a respective IP address and a respective port number for a respective DRM license server.

3. The method of claim 1 wherein said answer message further includes a network transport method for each said supported DRM method.

4. The method of claim 1 wherein said answer message comprises a zero value for each DRM method not supported by said target server.

5. The method of claim 1 wherein said offer message lists a plurality of DRM methods in order of preferred acceptance.

6. The method of claim 5 wherein said selected DRM method is comprised of a DRM method supported by said target server that is listed earliest in said order of said offer message.

7. The method of claim 1 wherein said offer message and said answer message are exchanged using a session description protocol.

13. Software for distribution of digital rights management (DRM) encoded content items over a digital network between a client and a target server, wherein said target server is capable of providing said DRM encoded content item in a plurality of respective DRM methods, said software embodied on a computer readable medium and, when executed by said client, operable to perform the steps comprising:

selecting a link to said target server for accessing a desired DRM encoded content item;

initiating a network session with said target server;

sending an offer message to said target server containing a list of at least one supported DRM method;

receiving an answer message from said target server containing a corresponding answer list 1) indicating whether each DRM method listed in said offer

message is supported by said target server, and 2) providing a respective network address of a DRM license server for each supported DRM method;

selecting a supported DRM method from said answer list;

obtaining a DRM license using said respective network address listed for said selected DRM method; and

retrieving said DRM encoded content item from said target server using said selected DRM method.

14. The software of claim 13 operable to list a plurality of DRM methods in said offer message in order of preferred acceptance.

15. The software of claim 14 operable to select a DRM method supported by said target server that is listed earliest in said order of said offer message.

16. The software of claim 13 wherein said offer message and said answer message are exchanged using a session description protocol.

EVIDENCE APPENDIX

No evidence has been submitted under 37 CFR §§1.130, §§1.131, §§1.132, or otherwise.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings and no corresponding decisions rendered.